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EXAMINER

TRAN, DOUGLAS Q

ART UNIT	PAPER NUMBER
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2624

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 12

Application Number: 09/304,968
Filing Date: May 04, 1999
Appellant(s): GAZDIK ET AL.

MAILED

JUL 28 2004

Technology Center 2600

Mark G. Pannell
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/10/02 and modified by adding two more sections of (1) Real Party in Interest and (2) Related Appeals and Interferences.

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(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1-20 as the group do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8). Claims 3, 10 and 16 are considered to be separately patentable from the remaining claims.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,065,008	Simon et al.	5-2000
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(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Simon et al. (US Patent No. 6,065,008).

As to claim 1, Simon teaches:

opening a printer metrics file (i.e., font file 50 in fig. 2); reading one set of the at least one set of font metrics from the printer metrics file (col. 1, lines 15-21);

creating an operating system font from the one read set of font metrics (the signing module 48 being in the operating system for creating font of the operating system from information of set of font in the font file 'in col. 5, lines 45-55'; and the signing module 48, which is implement in software such as routines or DLLs for creating the operating system font, would inherently open the font file and reading information within the font file 'in col. 4, lines 22-30');

As to claim 2, Simon teaches reading the one set of font metrics includes reading at least the width and height of the font represented by the one read set of font metrics (col. 1, lines 17-21, information of font or set of character would include the width and height of the font).

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As to claim 3, Simon teaches applying the one read set of font metrics to a font templates (i.e., glyph outlines, col. 5, lines 38-41); and saving the font template as an operating system font (since the signing module 48, which is implement in software such as routines or DLLs for creating the operating system font, would inherently apply the one read set of font metrics to a font templates and saving the font template as an operating system font (col. 4, lines 22-30)).

As to claims 4-5, Simon teaches installing and registering the operating system font on an operating system (since the signing module 48, which is implement in software such as routines or DLLs for creating the operating system font, would inherently install and register the operating system font on an operating system (col. 4, lines 22-30)).

As to claim 6, Simon teaches determining a name for the operating system font; and recording the name of the operating system font with a printer driver associated with the printer metrics file (col.1, lines 17-20).

As to claim 7, Simon teaches repeating steps b and c for each of the at least one set of font metrics contained in the printer metrics file (col. 4, lines 52-55).

As to claims 8-13, Simon teaches the apparatus for performing the steps in claims 1-6 as indicated above.

As to claims 14-20, Simon teaches the program for performing the steps in claims 1-7 as indicated above.

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(11) Response to Argument

With respect to page 3 of the argument of Appeal Brief “ Simon does not disclose how the font was created for which the signing module constructs the authentication tree. In particular, Simon does not disclose the signing module creating the font for which the signing module constructs the authentication tree.”, the argument has been fully considered but is not deemed to be persuasive because: 1) Appellant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., how the font was created for which the signing module constructs the authentication tree) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993); and

2) with respect to the step of (c) in claim 1: “creating an operating system font from the one read set of font metrics”, this step of claim 1 does not show how to create an operating system font. In contrast, the cited reference of Simon teaches how an operating system font file is created (with respect to fig. 2 and col. 3, lines 52-57, the font creator 22 is illustrated with a computer server to develop digitally signed font files. The font creator develops a font file in such a manner that the creator's digital signature is applied to the whole font file, and also to subsets of the font file. The font file would be an operating system font file (col. 4, lines 26-31 describes that the signing module 48 in the operating system 46 is configured to construct an authentication tree for a font).

With respect to page 4 of the argument of Appeal Brief “ Simon does not disclose reading a set of font metrics from the font file or font subset file. “ and page 5 of the argument of Appeal Brief “ Simon does not disclose opening a printer metrics file. The Examiner suggests that the font file disclosed by Simon is analogous to the printer metric file of Applicants’ claims.”, the argument has been fully considered but is not deemed to be persuasive because:

1) Simon teaches that the font file 50 would be the printer metrics file because the font file contains the information of a plurality of fonts including metrics information (col. 5, lines 40-44 describes that the font file is typically organized as multiple tables containing different information that includes metrics) and printing information (col. 1, lines 15-21 describes that fonts are used by computers for on-screen displays and by printers for hard-copy printout).

2) Simon teaches a font file is created from a set of font metrics (col. 1, lines 15-17 describes that the font file contains information of a plurality of the fonts that includes many different kinds of fonts available today). Therefore, it is understood that each font is representative as a set of font metrics; and (in fig. 2, col. 3, lines 52-57 describes that the font creator 22 is illustrated with a computer server to develop digitally signed font files that can be delivered to and used by the font distributor. The font creator develops a font file in such a manner that the creator’s digital signature is applied to the whole font file, and also to subsets of the font file). Therefore, a font file is created from a set of font metrics.

3) Another feature of the teaching in Simon, Simon discloses a step of opening and reading a set of font metrics from the font file and creating the operating system font file. With respect to fig. 3, Simon teaches the subsetting module 62 in the operating system 60 creates a operating system font file (i.e., a font subset file 64 in fig. 3) from reading the information of the

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printer metrics file (i.e., the font file 50) (col. 4, lines 52-59 describes that the subsetting module 62 is invoked to subset a font to produce a font subset. The subsetting module 62 constructs, from the font file 50, a font subset file 64).

With respect to page 5 of the argument of Appeal Brief “ This sharply contrasts with Simon where the entire font or font subset is known and a file containing the font or font subset is merely distributed and authenticated. Simon has no reason to use, and does not disclose using, font metrics to create a font, as all the information about the font is available and known.”, the argument has been fully considered but is not deemed to be persuasive because the unsigned font file from the font creator (22 in fig. 2) can not be read by the font distributor (30 in fig. 3). Thus, the font creator should create a signed font file that is sent to the distributor (col. 3, lines 52-58 describes that the font creator 22 develops digitally signed font files that can be delivered a font file to and used by the font distributor).

With respect to page 5 of the argument of Appeal Brief “ The font file or font subset file contains all of the information about the font or a subset of the font for using and displaying the font or font subset. Conversely, a printer metrics file contains information about one or more printer fonts. Information about each font is grouped into a set of font metrics”, the argument has been fully considered but is not deemed to be persuasive because:

1) the above limitation is to be not read into the independent claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993);

2) Simon disclose a font file 50 that does not contain only information about one font. Simon discloses the font creator develops an operating system font file from information of the font file and subsets of the font file (col. 3, lines 54-57 describes that the font creator 22 develops digitally signed font files in such a manner that the creator's digital signature is applied to the whole font file, and also to the subsets of the font file). Also, the font file, which is understood in the background of the invention, contains the information of a plurality of the printer fonts and display (col. 1, lines 15-17 describes that fonts that includes many different kinds of fonts available today). It would be understood that the font file would contain the Chinese character font, the Middle East character font and so on. Each font is a set of characters of the same typeface (col. 1, lines 17-21). Therefore, Simon discloses the signing module 48 from operating system (46 in fig. 2) would open and read the whole information of the font file including subsets of the font file and create the operating system font file.

With respect to page 6 of the argument of Appeal Brief "As to claims 3, 10 and 16, Simon does not disclose applying font metrics to a font template and saving them together as a font.", the argument has been fully considered but is not deemed to be persuasive because Simon clearly teaches the step of applying font metrics to a font template (col. 4, lines 28-29 describes that the signing module 48 in the operating system 46 is configured to construct authentication tree for a font) and (col. 5, lines 43-44 describes that the font file is typically organized as multiple tables that contain different information including glyph outlines) and saving them together as a font (col. 4, lines 30-31 describes that the digital signature is stored together with the font in a font file 50).

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Douglas Q. Tran
Examiner
Art Unit 2624

DT

July 20, 2004

Conferees:
Douglas Tran

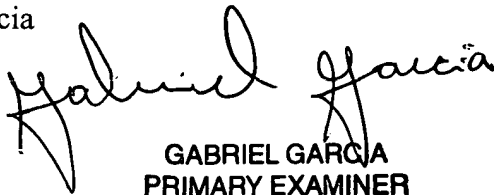


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